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May 1, 2023

VIA ECF

Honorable Pamela K. Chen, United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. McMahon, et al.*
Docket No. 21-cr-265

Dear Judge Chen:

As Your Honor may recall, this Firm represents defendant Michael McMahon in the above-captioned matter. We have received the Government's proposed description of the case to be read to prospective jurors at jury selection, and write to advise the Court of Mr. McMahon's requested modifications in red as follows:

The Superseding Indictment in this case charges that the defendants, MICHAEL MCMAHON, ZHENG CONGYING AND ZHU YONG, also known as Jason Zhu, together with other people, committed four crimes. Specifically, the defendants are charged with (1) conspiring (which means agreeing) to act as agents of a foreign government without prior notification to the Attorney General of the United States, (2) acting as agents of a foreign government without prior notification to the Attorney General of the United States, (3) conspiring to travel interstate in order to engage in the offense of stalking, and (4) actually traveling interstate in order to engage in the offense of stalking. The government alleges that the defendants acted as agents of the People's Republic of China (the "PRC" or "China"), and that the stalking victims are two persons, a husband and wife who reside in New Jersey but are originally from China. Specifically, the government alleges that the defendants knowingly participated in a scheme, directed by the PRC government and PRC government officials, to locate, surveil, threaten, harass and intimidate the victims and their family in order to coerce the victims to return to China.

Please be advised that Mr. McMahon conferred with the Government regarding these proposed modifications prior to filing; however, the Government declined to include Mr. McMahon's requested modifications.

Of course, if the Court has any questions about this matter, please do not hesitate to contact me. Thank you for Your Honor's kind consideration of this matter.

GIBBONS P.C.

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Respectfully submitted,

s/ Lawrence Lustberg
Lawrence S. Lustberg

cc: All counsel of record (via ECF)